

REMARKS

This Response is submitted in answer to the Office Action dated October 7, 2004, having a shortened statutory period set to expire January 7, 2005. Claim 15 is pending.

Claim Rejections Under 35 U.S.C. § 103(a)

On page 2 of the present Office Action, Claim 15 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Chang* (US Patent 5,848,400) in view of *Arnold et al.* (US Patent 4,558,176) and further in view of *Rosen* (US Patent 6,047,067) and further in view of *Hayosh* (US Patent 6,600,823). That rejection is respectfully traversed and reconsideration of the claim is requested.

Claim 15 in the present application includes the step of:

comparing, at said clearinghouse, said encrypted first copy of said electronic check that has been transmitted over an unsecure communication link to said encrypted second copy of said electronic check that has been transmitted over an unsecure communication link; and

On page 3 of the present Office Action, it is argued that this step of Claim 15 is suggested by the combination of *Chang*, *Arnold*, *Rosen* and *Hayosh*. Applicants respectfully submit that nowhere is it suggested by these references to combine or modify their teaching in a way that renders the present invention obvious.


With specific reference to the Examiner's argument that this step is suggested by the teaching of *Hayosh* in the Abstract and as shown in Figure 11, while comparison is shown between a self-authenticating value document and a duplicated representation of that value document, more is required by the present invention in Claim 15. Specifically, Claim 15 recites comparing an encrypted first copy of an electronic check "that has been transmitted over an unsecured communication link" that this copy of the electronic check is compared to an encrypted second copy of said electronic check "that has been transmitted over an unsecured communication link." Claim 15 is very specific in reciting two encrypted transmitted checks are compared. *Hayosh*, never discusses such a comparison between transmitted checks.

Hayosh, for instance, teaches comparing the self-authenticating value document received at the receiver's location as a message digest. The receiver's location then creates a document message from the extracted clear text data, first tag data and machine-readable data contained within the received message digest. The document message is then hashed with a hashing algorithm to create a second message digest from the first message digest that has been received over the communication medium. The first message digest is then compared with the second message digest to authenticate the holder of the private key. (see Abstract).

Hayosh's teaching is to create a second message digest from the received first message digest in order to authenticate the holder of the private key. Nowhere does *Hayosh* suggest comparing the received first message digest with a "encrypted second copy of said electronic check that has been transmitted over an unsecured communication link" as recited in independent Claim 15. *Hayosh* does not compare two received checks.

Consequently, *Hayosh* does not show or suggest this element of the present invention as claimed. As *Chang, Arnold, Rosen* and *Hayosh* do not individually or in combination show or suggest this element of the present invention, Applicants respectfully submit that the present invention is not obvious in light of these references and that the rejection of Claim 15 under § 103 should be reconsidered.

Respectfully submitted,


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